



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In Re: Methyl Tertiary Butyl Ether ("MTBE")
Products Liability Litigation

Master File C.A. No.
1:00-1898 (SAS)
MDL 1358

This Document Relates To:

City of Fresno v. Chevron U.S.A., Inc., et al.,
Case No. 04-Cv-04973

**DEFENDANTS' NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT
FOR LACK OF EVIDENCE PERTAINING TO CAUSATION**

Please take notice that Defendants¹ hereby move this Court, pursuant to Federal Rule of Civil Procedure 56, for summary judgment as to all of Plaintiff City of Fresno's causes of action related to seventeen gasoline stations alleged to be sources of methyl tertiary butyl ether contamination. This motion asserts that Plaintiff lacks sufficient evidence against the moving Defendants to establish causation.

This Motion is based upon the accompanying memorandum of law in support and the attached materials filed with the Court, as well as such other argument and evidence as the Court may consider at any hearing in consideration of this motion.

¹ The accompanying motion is brought on behalf of Coastal Chem, Inc. ("Coastal Chem"); Duke Energy Merchants, LLC and Northridge Petroleum Marketing U.S. (collectively "Duke"); Kern Oil & Refining Co. ("Kern Oil"); Tesoro Corporation (f/k/a Tesoro Petroleum Corporation); Tesoro Refining & Marketing Company (erroneously named by Plaintiff as Tesoro Refining & Marketing Company, Inc.) (collectively "Tesoro"); and Valero Marketing & Supply Company and Valero Refining Company-California (collectively "Valero").

Dated: March 15, 2013

Respectfully submitted,

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